

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Moses Perez

Docket Number: 09-00615-001

PACTS Number: 51091

Name of Sentencing Judicial Officer: Honorable Jose L. Linares, United States District Judge

Date of Original Sentence: 03/20/2000

Original Offenses: Possession of a Firearm by a Convicted Felon, 18 U.S.C. § 922(g)(1)

Original Sentence: 89 months imprisonment; 3 years supervised release; \$500 fine; \$100 special assessment.
Special conditions: 1) Drug Testing and Treatment; 2) DNA Collection

Type of Supervision: Supervised Release

Date Supervision Commenced: 02/27/2009

Assistant U.S. Attorney: To Be Assigned, 970 Broad Street, Room 502, Newark, New Jersey 07102 (973) 645-2700

Defense Attorney: To Be Assigned, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102 (973) 645-6347

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number Nature of noncompliance

1. The offender has violated the supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

The offender submitted urine samples which yielded positive results for the presence of a controlled dangerous substance on the following dates: May 19, July 2, August 4, August 13, August 20 and September 15, 2009.

2. The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

The offender has failed to report to Code-A-Phone program on several occasions throughout the course of supervision. Specifically, the offender failed to report and submit urine samples on April 9, April 13, April 27, May 15, June 16, August 11, August 28, and September 11, 2009.

3. The offender has violated the supervision condition which states **'You shall not commit another federal, state, or local crime.'**

On June 26, 2009, Perez was arrested by members of the Jersey City Police Department and charged with alleged possession of marijuana under 50 grams, possession of drug paraphernalia, and prowling in public places.

On June 29, 2009, Perez appeared in Jersey City Municipal Court for an arraignment. A hearing has been scheduled for October 27, 2009.

4. The offender has violated the supervision condition which states **'You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.'**

Throughout the course of supervision, the offender has failed to submit monthly written reports, despite numerous directives to do so.

5. The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.'**

On September 18, 2009, the offender entered Jersey City Medical Center for detoxification. On September 21, 2009, he was transported to CURA for inpatient substance abuse treatment. Before completing the intake process, the offender walked out of the facility. On September 22, 2009, an adjustment session was held at the U.S. Probation Office, at which time the offender agreed to participate in inpatient treatment. On September 24, 2009, the offender entered a 90-day inpatient treatment program, but again required detoxification because of his relapse. On today's date, the offender is being discharged from Turning Point due to non-compliance with facility policy, and his disruptive and antagonistic behavior at the treatment facility.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer
By: Adriana Garcia 1/21/2010
U.S. Probation Officer

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other



Signature of Judicial Officer

Date